

“Minnesota supplemental retirement investment fund” or “supplemental retirement investment fund” if referring to the fund established pursuant to Minnesota Statutes, Section 11A.17, with the terms “Minnesota supplemental investment fund” or “supplemental investment fund” respectively.

Sec. 11. EFFECTIVE DATE.

This act is effective on the day following final enactment.

Approved May 15, 1981

CHAPTER 209 — S.F.No. 835

An act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as non-public data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; granting enforcement powers to hazardous material specialists; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; requiring excess revenue from an airport to be applied to the improvement of the airport or other air navigation facility; increasing the dollar limit for development of landing strips; providing fees for hot air balloons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.221; 221.261; 221.81; 360.037, Subdivision 3; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 161.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [15.1683] ENGINEERS' ESTIMATES FOR TRANSPORTATION CONSTRUCTION.

Estimates of the cost of construction projects of the Minnesota department of transportation prepared by department employees are non-public data and are not available to the public from the time of final design until the bids are opened for the project.

Sec. 2. [161.115] TRUNK HIGHWAY SYSTEM; NEW ROUTE IN SUBSTITUTION OF AN EXISTING ROUTE.

Subdivision 1. NEW ROUTE ADDED. There is added to the trunk highway system a new route described as follows:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Route No. 278. Beginning at a point on Route No. 104 at or near the westerly limits of Minneapolis; thence extending in a generally easterly direction on or near Lowry Avenue in Minneapolis to a point on Route No. 110.

Subd. 2. SUBSTITUTION. The route described in subdivision 1 is substituted for Route No. 278 as contained and described in Minnesota Statutes 1980, Section 161.115, and Route No. 278 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. DIRECTION TO REVISOR. The revisor of statutes in the next and subsequent editions of Minnesota Statutes shall substitute the route described in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 3. Minnesota Statutes 1980, Section 161.16, Subdivision 4, is amended to read:

Subd. 4. REVERSION OR CONVEYANCE TO ANOTHER ROAD AUTHORITY. (a) ~~When~~ If the commissioner ~~shall make~~ makes a change in the definite location of a trunk highway as provided ~~herein~~ in this section, the portion of the existing road that is no longer a part of the trunk highway by reason of ~~such~~ the change and all right, title, and interest of the state ~~therein~~ in the trunk highway shall revert to the road authority originally charged with the care ~~thereof~~ of that trunk highway.

(b) If such the portion had its origin as a trunk highway, it shall become a county highway ~~unless the same~~ it lies within the corporate limits of a city, in which case it shall become a street of ~~such~~ the city. ~~Provided that~~ When the existing road that is no longer a part of the trunk highway by reason of ~~such~~ the change lies within a city of less than 5,000 population, ~~such~~ the portion shall revert to the county if such the portion meets the criteria for a county state-aid highway. In municipalities of over 5,000 population that portion of the road may revert to the county ~~provided~~ if the appropriate authorities of the state, county and the various cities through which the route passes so agree. Should any city not agree that the portion of the roadway ~~which~~ that passes through it shall revert to county jurisdiction, ~~such~~ the portion shall not so revert, although ~~such~~ the other portions of the roadway ~~as to~~ in which agreement has been ~~had~~ reached shall revert to county jurisdiction. ~~Notwithstanding the other provisions of this chapter or other applicable laws and regulations, the governor, in behalf of the state and upon recommendation of the commissioner, may convey and quitclaim to a county, city, or other political subdivision all or part of the right of way of the existing road that is no longer a part of the trunk highway by reason of the commissioner's order or orders. The conveyance shall be for highway purposes, and the future cost of maintenance, improvement, or reconstruction of such the highway and the contribution of that highway to the public highway system is herewith deemed to be reasonable and proper consideration therefor for the conveyance.~~ Extra Session Laws 1967, Chapter

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

It shall apply to all trunk highways reverted ~~prior to~~ before the date of its enactment.

Sec. 4. Minnesota Statutes 1980, Section 161.32, Subdivision 2, is amended to read:

Subd. 2. **DIRECT NEGOTIATION.** In cases where the estimated cost of construction work or maintenance work does not exceed ~~\$25,000~~ \$75,000, the commissioner may enter into a contract for ~~such the~~ work by direct negotiation, by obtaining two or more quotations for ~~such the~~ work, and without advertising for bids or otherwise complying with the requirements of competitive bidding; ~~provided, however, if~~ the total contractual obligation of the state for ~~any and all the~~ directly negotiated contract or contracts on any single project ~~shall does not exceed~~ \$25,000 \$75,000. All quotations obtained shall be kept on file for a period of at least one year after receipt ~~thereof~~ of the quotation.

Sec. 5. Minnesota Statutes 1980, Section 161.36, Subdivision 5, is amended to read:

Subd. 5. **FUNDS TO BE DEPOSITED IN STATE TREASURY.** All ~~moneys~~ funds accepted for disbursement by the commissioner pursuant to this section shall be deposited in the state treasury and, unless otherwise prescribed by the authority from which the ~~money is~~ funds are received, kept in separate accounts designated according to the purposes for which the ~~moneys funds~~ were made available and held by the state in trust for ~~such those~~ purposes. All ~~such moneys funds~~ are appropriated for the purposes for which the ~~same were~~ funds are made available to be expended in accordance ~~herewith~~ with this section and with federal laws and regulations. The commissioner may, whether acting for the state of Minnesota or as the agent of any of its governmental subdivisions or when requested by the United States government or any agency or department ~~thereof~~ of the United States government, disburse ~~such moneys funds~~ for the designated purposes, but this shall not preclude any other authorized method of disbursement. For the purpose of providing sufficient funds in the accounts established pursuant to this subdivision to meet expenditure requirements occurring before federal or other public or private reimbursements, the commissioner of finance, at the request of the commissioner, may borrow from available balances of the county state-aid highway fund or the municipal state-aid street fund. The terms and conditions of any loans shall be determined by the commissioner of finance. The amount borrowed shall not exceed in the aggregate the amount of federal aid allotted to the construction of roads and bridges under the jurisdiction of governmental subdivisions and under project appropriation by the federal government. When there is sufficient money in the account that received the loan, the state treasurer shall transfer from that account to the other public fund the amount so loaned.

Sec. 6. Minnesota Statutes 1980, Section 161.46, Subdivision 3, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 3. **LUMP SUM SETTLEMENTS.** The commissioner may enter into agreements with a utility for the relocation of utility facilities providing for the payment by the state of a lump sum based on the estimated cost of relocation when the lump sum so agreed upon does not exceed ~~\$5,000~~ \$25,000.

Sec. 7. Minnesota Statutes 1980, Section 221.011, Subdivision 15, is amended to read:

Subd. 15. "Motor carriers" includes all carriers operating under the authority of sections 221.011 to 221.296 and 221.61 to 221.68 and subject to the rules or orders of the commissioner or the board.

Sec. 8. Minnesota Statutes 1980, Section 221.011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from this chapter, or exempted from any other law or rule by the commissioner or board. The following are so exempt except as otherwise specifically provided in clause (c):

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from ~~his~~ the person's home post office. ~~Such~~ The carrier may transport other commodities within ~~such~~ the area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint ~~his~~ the owner's name and address in prominent visible letters on the outside of the cab of ~~his~~ the truck.

(b) Any occasional accommodation service beyond the 25 mile radius ~~from his~~ of the home post office by any person engaged in farming as ~~his~~ a primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1c. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of ~~his~~ that person's farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of ~~his own~~ his own business, owns and uses trucks for the purpose of transporting ~~his~~ that person's own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

products are produced to the point where they are to be used or shipped; except that these manufacturers, producers, dealers or distributors transporting their own products and these persons engaged exclusively in the transportation of wood or wood products, together with any transporting vehicles licensed and registered for a gross vehicle weight of more than 10,000 pounds, shall be subject to the requirements of section 221.031 insofar as the provisions of that section apply to driver qualifications, maximum hours of service of drivers, and safety of operations and equipment.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from ~~his~~ that person's home post office.

(e) Any person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix or crushed rock to or from the point of loading or a place of gathering within an area having a 50 mile radius from ~~his~~ that person's home post office or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency ~~thereof~~ of the federal government or the transportation of household goods for the state government or any agency ~~thereof~~ of state government, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or between contiguous cities.

(h) Emergency vehicles ~~such as including~~ such as including ambulances, tow trucks when picking up and transporting disabled or wrecked motor vehicles, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27:

(k) Any person engaged in the transportation of grain samples under ~~such~~ terms and conditions as the commissioner or board may prescribe.

(l) A motor vehicle, in this chapter referred to as a "commuter van," having a capacity of seven to 16 persons ~~which~~ that is used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for ~~his~~ that person's principal occupation but is driving it only to or from ~~his~~ that person's principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use at other times by an authorized

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

driver; provided, that commuter vans shall not be exempt from any provision of this chapter which by its terms explicitly applies to these vehicles.

Sec. 9. Minnesota Statutes 1980, Section 221.031, Subdivision 2, is amended to read:

Subd. 2. The department shall investigate the operation of all motor carriers, their compliance with all rules ~~and regulations~~ of the department and with the provisions of ~~sections 221.011 to 221.294~~ chapter 221, and may institute and prosecute ~~any and~~ all actions and proceedings in the proper district court for enforcement of ~~the same~~ those rules.

Sec. 10. Minnesota Statutes 1980, Section 221.221, is amended to read:

221.221 ENFORCEMENT POWERS.

Transportation representatives and hazardous material specialists of the department for the purpose of enforcing the provisions of this chapter and the rules of the commissioner and board issued pursuant to this chapter, but for no other purpose, shall have all the powers conferred by law upon police officers. The powers shall include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances within the state for the purpose of viewing log books, licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and rules.

Sec. 11. Minnesota Statutes 1980, Section 221.261, is amended to read:

221.261 COMPLAINTS, ACTION IN DISTRICT COURT.

An action or proceeding may be instituted, upon verified complaint of the commissioner or any interested person in any district court of any county wherein a motor carrier has a principal office or into which its route extends, for the enforcement of any provision of ~~sections 221.011 to 221.294~~ chapter 221, or any order, rule or directive of the commissioner or board herein authorized, and the court may grant provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, including temporary mandatory or restraining orders. Except when there is a constitutional right to trial by jury not expressly waived, all ~~such~~ proceedings shall be tried summarily by the court and ~~such~~ these matters shall take precedent over all other matters except criminal cases.

Sec. 12. Minnesota Statutes 1980, Section 221.81, is amended to read:

221.81 BUILDING MOVER REGULATION.

Subdivision 1. **DEFINITION.** "Building mover" means any person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings, excluding mobile homes.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **LICENSE.** All building movers operating in Minnesota shall be licensed by the commission board.

Subd. 3. **LICENSE APPLICATION.** To obtain a license to operate as a building mover an applicant shall file a petition with the commission commissioner specifying the name and address of its officers and other information as the commission board may reasonably require. The commission board shall issue the license upon compliance by the applicant with bonding and insuring requirements set by rule of the department and payment of a fee. A license once granted shall continue in full force and effect, subject to annual renewal fees and compliance with bonding and insuring requirements, unless revoked or suspended.

Subd. 4. **LICENSE REVOCATION, SUSPENSION, DENIAL.** The commission board, after notice and a hearing, may revoke, suspend or deny a license for:

- (a) failure to pay application or renewal fees;
- (b) failure to comply with bonding and insuring requirements;
- (c) conduct of the applicant or license holder which that impairs usage of public highways, roads, streets, or utilities;
- (d) conduct of the applicant or license holders which that endangers the health and safety of users of the public highways, roads, streets or utilities; or
- (e) a course of conduct of the applicant or license holder which that demonstrates unsafe or hazardous operation of the business.

Subd. 5. **RULES.** The department commissioner shall promulgate rules establishing bonding and insuring requirements.

Subd. 6. **LOCAL REGULATION.** No license to move buildings, bond or insurance coverage shall be required by a political subdivision of the state other than the license, bond and insurance coverage issued or required by the commission board or department commissioner. A political subdivision or the department may require a permit which reasonably regulates the hours, routing, movement, parking or speed limit for a building mover operating on streets or roads within the jurisdiction of the political subdivision or highways within the jurisdiction of the department commissioner. Neither the state nor a political subdivision may regulate rates charged by building movers.

Sec. 13. Minnesota Statutes 1980, Section 360.037, Subdivision 3, is amended to read:

Subd. 3. **USE OF REVENUES.** The revenues obtained from the ownership, control, and operation of any such airport or other air navigation facility shall be used, first, to finance the maintenance and operating expenses thereof and, second, to make payments of interest on and current principal

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. Revenues in excess of the foregoing requirements may shall be applied to finance the extension or improvement of the airport or other air navigation facilities.

Sec. 14. Minnesota Statutes 1980, Section 360.305, Subdivision 4, is amended to read:

Subd. 4. (1) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of ~~such~~ assistance by the state that the political subdivision, municipality, or public corporation ~~itself~~ make a substantial contribution to the cost of the construction, improvement, maintenance, or operation, ~~such~~ these costs are ~~hereinafter~~ referred to as project costs, in connection with which the assistance of the state is sought.

(2) For any airport, whether key, intermediate or landing strip, where only state and local funds are to be used, ~~said~~ the contribution shall be not less than one-fifth of the sum of:

(a) the ~~said~~ project costs,

(b) acquisition costs of the land and clear zones, ~~hereinafter~~ "acquisition costs."

Where federal, state and local funds are to be used, ~~said~~ the contribution shall not be less than one-tenth of ~~said~~ the sum.

(3) The commissioner may pay the total cost of radio and navigational aids.

(4) ~~However,~~ Notwithstanding clause (2) ~~above,~~ the commissioner may pay all of the ~~said~~ project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating ~~moneys therefor~~ funds for the new landing strip, shall not exceed ~~\$100,000~~ \$200,000.

(5) Notwithstanding clause (2), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this clause exceed five percent of the amount appropriated for construction grants.

~~(5)~~ (6) To receive aid ~~hereunder~~ under this section for acquisition costs the municipality must enter into an agreement with the commissioner giving assurance that ~~said~~ the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public for a period of twenty years after the date that the state funds are

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

received by the municipality. The agreement may contain ~~such~~ other conditions as the commissioner deems reasonable.

~~(6)~~ (7) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of ~~such~~ hangar construction for ~~such an~~ amount and period of time as may be determined by the commissioner and municipality. All receipts from the ~~financing contracts shall be deposited in the hangar construction revolving account and are hereby~~ reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the "construction" of hangars shall include their design.

~~(7)~~ (8) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of ~~such the~~ purchase price or snow removal. To receive ~~such~~ aid ~~such a~~ municipality must enter into an agreement of the type referred to in clause ~~(5)~~ ~~above~~ (6).

~~(8)~~ (9) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971.

Sec. 15. Minnesota Statutes 1980, Section 360.55, is amended by adding subdivisions to read:

Subd. 6. HOT AIR BALLOONS. Any hot air balloon shall be registered for an annual registration fee of \$25. The registration fee is in lieu of the taxes provided for in sections 360.511 to 360.67. For the purpose of this subdivision, hot air balloon means any lighter-than-air aircraft that is not engine driven.

Subd. 7. NON-RESIDENT AIRCRAFT USED IN AIR SHOWS OR EXPOSITIONS. A non-resident owner of an aircraft operated for compensation or hire and used solely for an air show or exposition shall secure a temporary permit to operate the aircraft from the commissioner or the commissioner's designee prior to its use in this state. The fee for the temporary permit is \$25 and the permit is valid for not more than three days. The permit fee is in lieu of all other taxes provided for in sections 360.511 to 360.67. An aircraft owned by a non-resident of this state and operated or used in this state solely for display or exhibition is exempt from the provisions of sections 360.511 to 360.67.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 16. **EFFECTIVE DATE.**

Sections 1, 4, 6 and 14 are effective the day following final enactment.

Approved May 15, 1981

CHAPTER 210 — S.F.No. 876

An act relating to state government; improving the state's personnel management and labor relations functions; appropriating money; amending Minnesota Statutes 1980, Sections 3.095; 15.55; 16A.17, Subdivision 7; 216A.035; and 484.54, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 43A; proposing new law coded in Minnesota Statutes, Chapter 210A; repealing Minnesota Statutes 1980, Chapter 43.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[43A.01] POLICIES.**

Subdivision 1. GENERAL. It is the policy of the state to maintain an efficient and effective merit based personnel management system to meet the management needs of the state and the social, economic and program needs of the people of the state. The system shall provide means to recruit, select and develop an effective, productive and responsive work force representative of the labor market according to the demands of society, equity and law, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, employee benefits, discipline, discharge, retirement and other related activities as appropriate, taking into consideration formal and informal labor relations arrangements.

Subd. 2. PRECEDENCE OF MERIT PRINCIPLES AND NONDISCRIMINATION. It is the policy of this state to provide for equal employment opportunity consistent with chapter 363 by ensuring that all personnel actions be based on the ability to perform the duties and responsibilities assigned to the position without regard to age, race, creed or religion, color, disability, sex, national origin, marital status, status with regard to public assistance, or political affiliation. It is the policy of this state to take affirmative action to eliminate the underutilization of qualified members of protected groups in the civil service, where such action is not in conflict with other provisions of this chapter or chapter 179, in order to correct imbalances and eliminate the present effects of past discrimination.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.